

67047
Starrett

THE STATE OF ALABAMA - - JUDICIAL DEPARTMENT

THE ALABAMA COURT OF CRIMINAL APPEALS

CR-03-1347

Carl Emmett Wyatt, Appellant

vs.

State of Alabama, Appellee

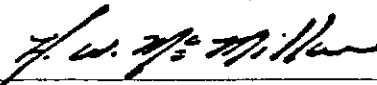
Appeal from Autauga Circuit Court No. CC99-322.60

ORDER

The appellant in the above-referenced cause filed an application for rehearing on August 19, 2004. Because this Court has since misplaced the appellant's application for rehearing, our Clerk's office called the appellee on September 24, 2004, in an effort to obtain a copy of application for rehearing which the appellant should have served on the appellee. However, Assistant Attorney General Marc Starrett advised our Clerk's office that the appellee did not receive a copy of the appellant's application for rehearing.

Upon consideration of the above, the Court of Criminal Appeals **ORDERS** that the appellant shall have 21 days from the date of this order to file and serve another application for rehearing. The appellant is hereby placed on notice that Rule 40(a)(1) of the Alabama Rules of Appellate Procedure requires that an application for rehearing be supported by an accompanying brief. Because this Court misplaced the appellant's original application for rehearing, we have given the appellant more than the 14 days normally allowed to file an application for rehearing and supporting brief. Should the appellant fail to file a new application for rehearing and supporting brief within the time allowed in this order, the appellant is hereby placed on notice that the certificate of judgment shall issue in this cause as though he failed to seek rehearing.

Done this 27th day of September, 2004.



H. W. "BUCKY" McMILLAN, PRESIDING JUDGE

cca/jg

cc: Carl Emmett Wyatt, Appellant
Marc A. Starrett, Assistant Attorney General

